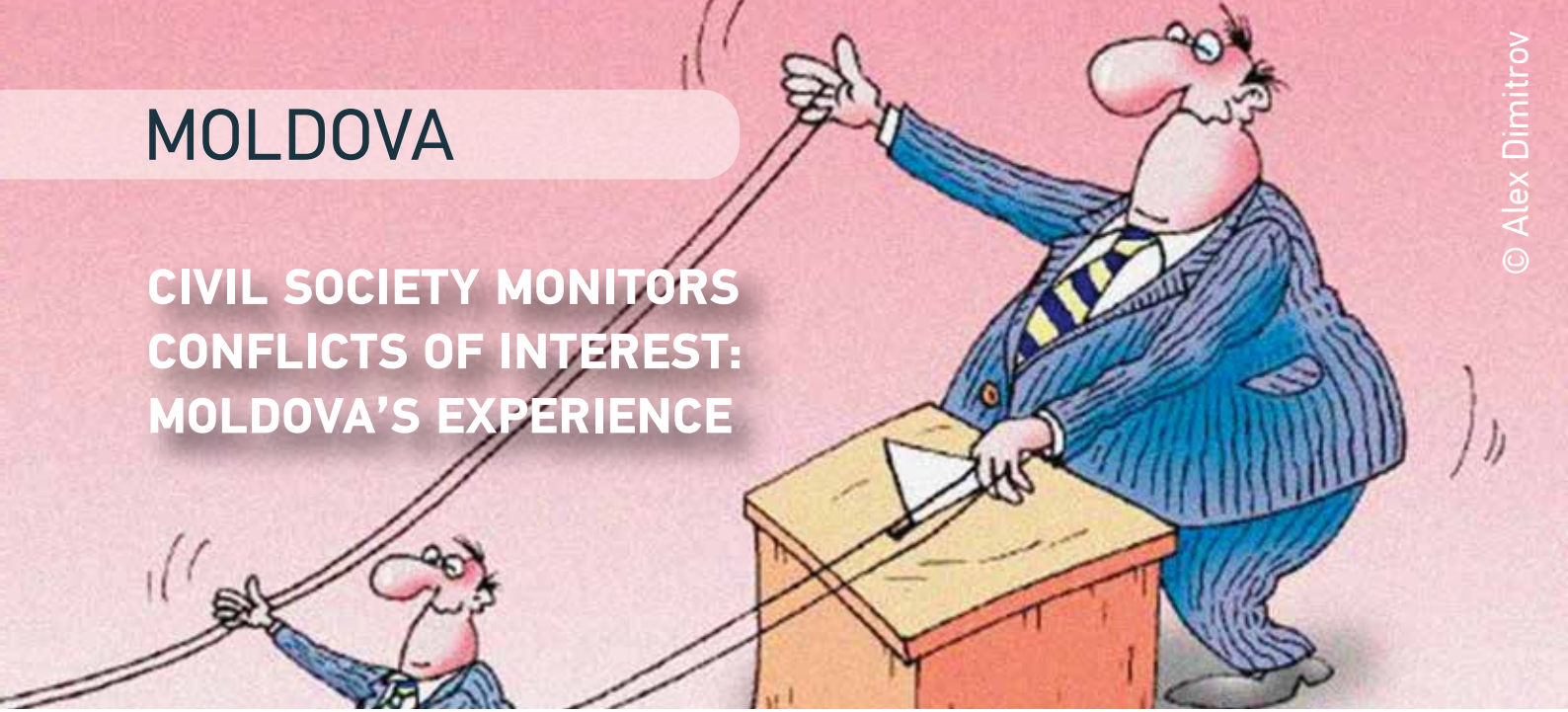


MOLDOVA

CIVIL SOCIETY MONITORS CONFLICTS OF INTEREST: MOLDOVA'S EXPERIENCE



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A *conflict of interest*, a situation where personal interests and relationships impact upon a public servant's decision-making, is a common phenomenon in undeveloped democracies. Moldova, which adopted a Law on Conflict of Interest on February 15th 2008 became among the first countries in the post-Soviet space to introduce legislation to tackle the problem. The Law became integral to the Strategy for the Prevention and Fight Against Corruption, as well as the EU-Moldova Action Plan for 2005-2008 - documents which at the time laid the foundation for the country's Association Agreement with the European Union.

But studies conducted annually by *Transparency International (TI)* show an increase in the level of corruption in Moldova over the last two to three years. Another survey conducted by

Civil Society. Dialogue for Progress

TI-Moldova has shown that ministers and departments do not entirely know what a conflict of interest is and how it can manifest itself in their institutions.

“DECISION-MAKING IN THE MIDST OF CONFLICTS OF INTEREST REMAINS ONE OF THE KEY PROBLEMS OF OUR SOCIETY AND CONTINUES TO FUEL CORRUPTION”

says Lilia Karashchuk, head of Transparency International (TI) Moldova. The lack of awareness among officials, however, is no surprise. The Law on the Code of Conduct for Civil Servants was adopted in early 2008 together with the Law on Conflict of Interest. Yet neither of these Laws was able to effectively address the situation. Even the adoption in December 2011 of a Law establishing the National Com-

mission for Integrity failed to immediately remedy the situation, taking almost two years to form a committee. In such circumstances civil society must be afforded a say in order to establish a culture of accountability and zero tolerance towards conflicts of interest.

In many ways the “awakening” of non-governmental organisations and media was enabled by TI-Moldova itself. This awakening has occurred not only in Moldova but also further afield- the organisation has initiated the cross-border project “Involving civil society in the monitoring of conflicts of interest”, which has been implemented jointly with partner organisations in Ukraine (Institute for Public Policy and TI-Ukraine), Poland (Stefan Batory Foundation) and Armenia (TI-Armenia and the Eurasia Partnership Foundation). The European Commission is providing over 440 thousand euros to fund the project.

“The idea of the project emerged when the Eastern Partnership Civil Society Forum presented the results of its monitoring of conflicts of interest in Moldova” says Lilia Karashchuk. “Our partners expressed interest in the methodology and experience of TI-Moldova in this field and the European Commission was able to finance our joint cooperation.”

During the first phase of the project, TI-Moldova held several dozen training seminars for its national and foreign partners, sharing its methodology and experience in monitoring conflicts of interest. Parallel to this, a joint analysis was carried out in each of the four countries, during which recommendations for its improvement were gathered. As a result, Ukraine legally defined “Conflict of Interest” for the first time and adopted it into its regulations. Civil society representatives in Armenia and Poland also began to actively promote the adoption of similar legislation.

An important element of the work carried out in Moldova involved surveys of employees of ministries and departments, as well as local authorities in compliance with confidentiality requirements. This allowed participants to express their views more openly and frankly, thus getting a better picture of conflicts of interest.

The head of TI-Moldova notes that from the outset of the project, the Government of the State Chancellery provided support by appointing specific persons to coordinate the process with experts of the organisation. Based on the results of the survey, a special “matrix” was created for each ministry to identify conflict of interest “hot-spots” and develop preventative measures using their recommendations.

Another aspect of the project was the consolidation of civil society through training seminars for non-government organisations, the media and public institutions. This process was triggered by a political scandal in early 2012, which involved a murder-case investigation led by Moldova's Prosecutor-General, who himself became actively involved in the process. It was then that civil society and the media initiated a debate about conflicts of interest among public officials and the role that civil society can play in combating the phenomenon.

“Between 2013 and 2015, TI-Moldova organised more than 30 training courses and seminars with the participation of more than 1,200 people on the topic of conflicts of interest.” says project expert, Janina Spinei. “The seminars and training sessions conducted for members of the *National Integrity Commission* were very productive, since after all the institution has just started its activities and is interested in the results of our study on the perception of corruption and our findings in the field of conflicts of interest.”

Cooperation with government agencies has led to a consensus that a change in legislation is necessary to establish more integrated and coherent policies



against conflicts of interest, as well as penalties commensurate with the damage caused by the offence.

“TODAY, OUR WORK IN THIS AREA IS ONE OF OUR ABSOLUTE PRIORITIES”

says Lilia Karashchuk. “Gaps and inconsistencies in legislation provide a loophole for negligent officials and reduce the effectiveness of civil society’s efforts to counteract conflicts of interest. Moldovan legislation, for instance, sanctions the failure to declare a conflict of interest, but not the act itself.”

Partner organisations from other countries also conducted work in this vein. As a result, more than a dozen non-governmental organizations that took part in the seminars and trainings have now begun to carry out similar

actions themselves, including the monitoring of conflicts of interest in their respective countries.

The media has also intensified its focus and streamlined its reporting and investigation of such cases - one of the most significant results of the project according to Transparency International Moldova. Civil society and the media in Moldova have together identified five cases of conflicts of interest, which

have been submitted to the National Commission for Integrity for further investigation.

“As of today, more than 20 NGOs and media outlets in Moldova are engaged in the analysis of legislation and the adoption of norms in the area of conflicts of interest. Civil society monitoring is becoming universal and effective - one of the main objectives we had when initiating the project” says Lilia Karashchuk.



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